



**THE ATTORNEY GENERAL  
OF TEXAS**

Gerald C. Mann

~~JOHN B. DEAN~~  
ATTORNEY GENERAL

AUSTIN 11, TEXAS

Hon. D. Richard Voges  
County Attorney  
Floresville, Texas

Opinion No. O-3064  
Re: Validity of teachers'  
contracts.

Dear Sir:

We have your letter of July 1, 1941, presenting the following facts and questions for our opinion, viz:

"Several teachers in this county teaching in a common school district made two-year teacher's contracts with the trustees. The agreement as to the contracts was made before the trustee election in April by two of the three trustees. The election was held, and one of the two trustees making the agreement was defeated, but before he left office and before the new trustee qualified, the two agreeing old trustees held a meeting and employed the teachers, as agreed, and signed the contracts, which were approved by the County Superintendent, before the newly elected trustee qualified. Now since the new trustee has qualified, he and one of the old trustees desire to cancel the contracts made, heretofore referred to.

"(1) Can they cancel the contracts?

"(2) If so upon what grounds, (assuming the contracts otherwise good)?

"Further, two of the teachers who entered into the new contracts had other and older two year contracts upon which they had taught only one year. Assuming that the new contracts can be cancelled, can they still stand on the one year remaining on the old contracts?"

We enclose a copy of our Conference Opinion No. 3069, wherein we held that the last sentence in Sec. 1 of H.B. 137, 45th Leg., (Art. 2750a, V.A.C.S.) was void for want of a proper caption. If the contract in question was signed before April 24, 1941, the answer to your first question would be a negative

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one, assuming there are no grounds for cancellation not mentioned in your letter. The defect in the caption to said Article 2750a was removed on April 24, 1941, by S.B. 126, 47th Leg. If this contract was signed between that date and the qualification of the new trustee and you need our opinion in light of that fact you may advise us.

Yours very truly

ATTORNEY GENERAL OF TEXAS

By /s/ Glenn R. Lewis  
Glenn R. Lewis, Assistant

APPROVED JUL 21, 1941  
/s/ Grover Sellers  
FIRST ASSISTANT ATTORNEY GENERAL

APPROVED: OPINION COMMITTEE  
BY: BWB, Chairman

GRL:AMM:wb

ENCLOSURE